MISSISSIPPI BOARD OF PHARMACY
MINUTES
November 16, 2023

The Mississippi Board of Pharmacy (Board) met at 9:00 a.m. on Thursday, November 16, 2023 at the Board offices, 6360 I-55 N. Suite 400, Jackson, MS 39211. The following members were present: Ronnie Bagwell – President, Tony Waits – Vice-President, Ryan Harper – Secretary, Jillian Foster, Craig Sartin, David Hudson, and Michael Gilbow.

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- Motion by Board Member Tony Waits, 2nd by Board Member David Houston to approve the Agenda for this meeting and the Website Declaration of this meeting to be placed in the minutes. All in favor See attached.

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REGULATION WORKING GROUP

Todd Dear, Associate Director, presented the following regulations:

- **Article XXXI**

Upon recommendation by staff, the Board unanimously adopted Article XXXI as a final regulation.

Motion by Board Member Ryan Harper, 2nd by Board Member Craig Sartin, to table proposed Administrative Rule and regulations, Articles XXX and XXXV. All in favor.

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RESPONDENTS

Eugene Brown, Jr., License to Practice Pharmacy Number E-08931
Upon a motion by Board Member Ryan Harper and a 2nd by Board Member Craig Sartin, the Board voted unanimously to go into executive session pursuant to Section 25-41-7(4)(b) for the purposes of discussing appealable order of the Board. On a motion by Board Member Jillian Foster and a 2nd by Board Member Mike Gilbow, the Board voted unanimously to rise from executive session and enter open session. It was reported that no action was taken during the executive session. After an administrative hearing on this matter, the Board issued the attached Order.

Pharmcore, Inc. dba Hallandale Pharmacy, Permit to Operate as a Pharmacy, Permit Number 15930/7.1
Upon a motion by Board member Jillian Foster and a 2nd by Board member Tony Waits, the Board voted unanimously to go into executive session pursuant to Section 25-41-7(4)(b) for the purposes of discussing appealable order of the Board. On a motion by Board member Tony Waits and a 2nd

by Board member Ryan Harper, the Board voted unanimously to rise from executive session and enter open session. It was reported that no action was taken during the executive session.
After an administrative hearing on this matter, the Board issued the attached Order.

Billy R. Calvert, License to Practice Pharmacy Number E-06750
Prior to any administrative hearings being conducted before the Board, Executive Director Susan McCoy stepped down from the Board table.
Upon a motion by Board member Mike Gilbow and a 2nd by Board member Tony Waits, the Board voted unanimously to go into executive session pursuant to Section 25-41-7(4)(b) for the purposes of discussing appealable order of the Board. On a motion by Board member Ryan Harper and a 2nd by Board member Tony Waits, the Board voted unanimously to rise from executive session and enter open session. It was reported that no action was taken during the executive session.
A motion was made by Board Member Craig Sartin and a 2nd by Ronnie Bagwell, to reject the proposed settlement. Ronnie Bagwell and Craig Sartin voted for the motion. Ryan Harper, Jillian Foster, Tony Waits, David Hudson, and Mike Gilbow voted against the motion. Motion was rejected.
Upon a motion by Board member Tony Waits and a 2nd by Ryan Harper, the Board voted to approve the proposed agreed settlement order with Billy R. Calvert. Ryan Harper Jillian Foster, Tony Waits, David Hudson, and Mike Gilbow voted for motion. Ronnie Bagwell and Craig Sartin voted against the motion.
See the attached Settlement Order.

Motion to recess was made by Board Member Craig Sartin, 2nd by David Hudson. All in favor.

Recess at 12:01 p.m.
Meeting called to order at 12:48 p.m.

Board Member Mike Gilbow left the meeting at 1:50 p.m. and did not participate in the decision or order for the following administrative hearings.

The following administrative hearings were conducted together without objection from either Respondent. Prior to any administrative hearings being conducted before the Board, Executive Director Susan McCoy stepped down from the Board table.

Billy R. Calvert, License to Practice Pharmacy Number E-06750
Mississippi Sports Medicine Surgery Center, Pharmacy Permit Number 12956/13.3
Presentation of administrative hearing.

Motion to recess was made by Board Member Tony Waits, 2nd by Craig Sartin. All in favor.

Recess at 2:19 p.m.
Meeting called to order at 2:27 p.m.

Upon a motion by Board Member Craig Sartin and a 2nd by Board Member David Hudson, the Board voted unanimously to go into executive session pursuant to Section 25-41-7(4)(b) for the purposes of discussing appealable order of the Board. On a motion by Board Member Ryan Harper

and a 2nd by Board Member Craig Sartin, the Board voted unanimously to rise from executive session and enter open session. It was reported that no action was taken during the executive session.

After an administrative hearing on the matter of Billy R. Calvert, the Board issued the attached order.

After an administrative hearing on the matter of Mississippi Sports Medicine Surgery Center a upon a motion by Board Member David Hudson and a 2nd by Board Member Ryan Harper, the Board voted unanimously to remand the matter back to the Investigations Review Committee (IRC) for further considerations.

The Board adjourned at 3:58 p.m.

These November 16, 2023, MINUTES of the Board are hereby approved this the 18th day of January, 2024.

Ronnie Bagwell, President

Tony Waits, Vice-President

Ryan Harper, Secretary

Jillian Foster

Craig Sartin

David Hudson

Michael Gilbow

Mississippi Board of Pharmacy
November 16, 2023

AGENDA

I. CALL TO ORDER/ESTABLISH A QUORUM

- **PRAYER AND PLEDGE**
- **WELCOME AND SPECIAL INTRODUCTIONS**

II. WEBSITE DECLARATION

III. REGULATORY WORKGROUP

- **Article XXXI**
- **Administrative Rules**
- **Article XXX**
- **Article XXXV**

IV. RESPONDENTS

• **Eugene Brown Jr.**	**Respondent**
• **Hallandale Pharmacy**	**Respondent**
• **Billy R. Calvert (Sports Med Pharmacy)**	**Respondent**
• **Billy R. Calvert (Surgery Center)**	**Respondent**
• **MS Sports Medicine Surgery Center**	**Respondent**

Board Meetings

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Meetings of the Mississippi Board of Pharmacy will be held in the Board Room of the Mississippi Board of Pharmacy, 6311 Ridgewood Road, Suite E 401, Jackson, Mississippi.

Board Meetings for the first half of 2024 will be held on the following dates at 9:00 a.m.:

- January 18, 2024
- March 28, 2024
- May 23, 2024

The meetings of the Mississippi Board of Pharmacy are open to the public.

To subscribe to the Mississippi Public Meeting Notice webpage please visit: **https://www.ms.gov/dfa/pmn**

Board Meeting Agendas and Minutes

Posted agendas are proposed and subject to change. MBP Board Meeting minutes will be posted after they are approved at the following Board Meeting.

	Meeting Date	Agenda	Minutes
MBP January 2024	18	Agenda	
MBP November 2023	16	Agenda	
MBP November 2023	15	Agenda	
MBP October 2023	19	Agenda	Minutes
MBP September 2023	21	Agenda	Minutes
MBP July 2023	13	Agenda	Minutes
MBP May 2023	18	Agenda	Minutes
MBP March 2023	23	Agenda	Minutes
MBP January 2023	19	Agenda	Minutes
MBP December 2022	06	Agenda	Minutes
MBP November 2022	17	Agenda	Minutes
MBP September 2022	28	Agenda	Minutes
MBP September 2022	15	Agenda	Minutes
MBP September 2022	14		Minutes
MBP September 2022	02		Minutes
MBP July 2022	21	Agenda	Minutes
MBP May 2022	12	Agenda	Minutes
MBP May 2022	11	Agenda	Minutes
MBP March 2022	17	Agenda	Minutes

TITLE 30: PROFESSIONS AND OCCUPATIONS
PART 3001: MISSISSIPPI PHARMACY PRACTICE REGULATIONS

ARTICLE XXXI COMPOUNDING GUIDELINES

Every pharmacy permitted by the Mississippi Board of Pharmacy engaged in the compounding of pharmaceuticals that is not a licensed 503B pharmacy following good manufacturing practices (GMP) shall comply with USP 795, USP 797, and USP 800 when compounding in the scope of those chapters. The designated facility USP representative must be a pharmacist licensed in the State of Mississippi.

1. GENERAL PROVISIONS
   - A. Prior to engaging in the compounding of pharmaceuticals, a pharmacy shall obtain a compounding certificate from the Mississippi Board of Pharmacy.
     - i. To obtain a compounding certificate, an applicant must complete a compounding certificate application.
     - ii. A compounding certificate will expire when the pharmacy permit expires and can be renewed at the time a pharmacy permit is renewed.
     - iii. Compounding, without obtaining the compounding certificate, shall be grounds for disciplinary action.
     - iv. Every pharmacy that engages in compounding shall submit a compounding statistical report to the Board on or about January 31st of each year on a form prescribed by the Board.
     - v. Failure to submit the report as required by this regulation shall be grounds for disciplinary action.
     - vi. A compounding certificate shall become inactive if a pharmacy fails to compound any prescriptions in a calendar year. A pharmacy may not compound prescriptions with an inactive compounding certificate. A pharmacy may petition the Board to activate a compounding certificate that is inactive.
     - vii. Any pharmacy with an active compounding certificate is subject to a compounding inspection by the Board.
   - B. Based on the existence of a pharmacist/patient/practitioner relationship and the presentation of a valid prescription, or in anticipation of prescription medication orders based on routine, regularly observed prescribing patterns, a pharmacy may compound, for an individual patient, medications that are not commercially available in the marketplace. Compounding and manufacturing, as defined within the regulations, are not permitted in the same facility. A pharmacy may not Compound a Drug that appears on the FDA List of Drugs withdrawn or removed from the market for Safety Reasons or on the FDA List of Drug products that present demonstrable difficulties in compounding.
   - C. For the purpose of this Article, flavoring is not considered compounding. In addition, the combining of commercially manufactured, ready- to-use products shall be exempt from USP 795 compounding standards under the following conditions:
     - i. No more than four (4) commercially manufactured ready-to-use products (that have not been manipulated) are used;
     - ii. Compounding is not done in anticipation of medication orders;
     - iii. Must follow USP 795 beyond use dates (BUDs);

iv. A valid prescription shall serve as the compounding record;

v. The prescription label shall comply with all related USP chapter requirements as well as the labeling requirements as set forth in Article XIV of these regulations.

D. A pharmacy may compound drugs prior to receiving a valid prescription based on a history of receiving valid prescriptions that have been generated solely within an established pharmacist/patient/practitioner relationship, and provided that they maintain the prescriptions on file for all such products compounded at the pharmacy as required by the Mississippi Board of Pharmacy.

E. Pharmacies shall not offer compounded human drug products to practitioners or to other pharmacies for resale or dispensing. However, patient specific medications may be prepared on behalf of a pharmacy permitted as an Institutional I, Hospital, 3.1 pharmacy for an inpatient at that facility. Pharmacies may compound patient specific medications for office administration by a practitioner.

F. Compounding pharmacies may advertise or otherwise promote the fact that they provide prescription compounding services (e.g., chemicals, devices and information when requested); however, they shall not solicit business by promoting to compound specific drug products (e.g., like a manufacturer).

G. The compounding of inordinate amounts of drugs in anticipation of receiving prescriptions without any historical basis or the distribution of inordinate amounts of compounded products without a patient/practitioner/pharmacist relationship is considered manufacturing.

2. RECORDS

A. The pharmacy shall keep records of all compounded products as required by the Mississippi Board of Pharmacy. Such records shall be readily available for authorized inspection during the retention period at the establishment. These records shall be subject to duplication by photocopying or other means of reproduction as part of any such inspection.

B. Drug Orders: The pharmacist must receive a written, electronic or verbal order from an authorized prescriber before dispensing any compounded product.

i. If the drug order is for an inpatient at an institutional facility, a copy of the patient's medication order may serve as an order for the preparation and dispensing of the compounded product. This and the medication administration record may be maintained as the permanent record in medical records at the facility.

ii. If the drug order is for an outpatient, the order must be in the form of a prescription document or a patient medication order sheet which contains, at a minimum, the following:

(1) Patient name;
(2) Patient address;
(3) name of medication and strength;

(4) Directions for use;
(5) Date;
(6) Prescriber's name;
(7) Physician's address and Drug Enforcement Administration registration number, if applicable;
(8) Refill instructions.

C. Prescriptions for compounded products shall be filed in accordance with the prescription recordkeeping provisions of these regulations. Patient medication order sheets used as authorization for the dispensing of drugs shall be filed in an easily retrievable manner.

3. COMPOUNDING WHEN COMMERCIAL PRODUCTS ARE NOT AVAILABLE

A. A pharmacy may prepare a copy of a commercial product when that commercial product is not available as evidenced by either of the following:

i. Products that appear as unresolved status on the FDA drug shortage list in effect under section 506E of the FD&C Act; or

ii. Products discontinued and no longer marketed by the manufacturer.

4. COMPOUNDING FOR VETERINARY USE

A. All compounding for non-human medications must follow USP 795/797/800 compounding standards.

B. A pharmacy may compound a preparation intended for administration to an animal patient:

i. Pursuant to a patient specific prescription; or

ii. Pursuant to a non-patient specific order from a veterinarian.

C. The label for non-patient specific compounded preparations shall contain, at a minimum, the following:

i. Pharmacy's name, address and telephone number;
ii. Veterinarian's name;
iii. Name of preparation;
iv. Strength and concentration;
v. Lot number;
vi. Beyond use date (BUD);
vii. Special storage requirements, if applicable;
viii. Name or initials of the pharmacist responsible for final check of the preparation.

TITLE 30: PROFESSIONS AND OCCUPATIONS
PART 3001: MISSISSIPPI PHARMACY PRACTICE REGULATIONS

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Every pharmacy permitted by the Mississippi Board of Pharmacy engaged in the compounding of pharmaceuticals that is not a licensed 503B pharmacy following good manufacturing practices (GMP) shall comply with USP ~~797 and 795 standards~~ 795, USP 797, and USP 800 when compounding in the scope of those chapters. The designated facility USP representative must be a pharmacist licensed in the State of Mississippi.

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   - A. Prior to engaging in the compounding of pharmaceuticals, a pharmacy shall obtain a compounding certificate from the Mississippi Board of Pharmacy.
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     - vii. Any pharmacy with an active compounding certificate is subject to a compounding inspection by the Board.
   - B. Based on the existence of a pharmacist/patient/practitioner relationship and the presentation of a valid prescription, or in anticipation of prescription medication orders based on routine, regularly observed prescribing patterns, a pharmacy may compound, for an individual patient, medications that are not commercially available in the marketplace. Compounding and manufacturing, as defined within the regulations, are not permitted in the same facility. A pharmacy may not Compound a Drug that appears on the FDA List of Drugs withdrawn or removed from the market for Safety Reasons or on the FDA List of Drug products that present demonstrable difficulties in compounding.
   - C. For the purpose of this Article, flavoring is not considered compounding. In addition, the combining of commercially manufactured, ready- to-use products shall be exempt from USP 795 compounding standards under the following conditions:
     - i. No more than four (4) commercially manufactured ready-to-use products (that have not been manipulated) are used;
     - ii. Compounding is not done in anticipation of medication orders;
     - iii. Must follow USP 795 beyond use dates (BUDs);

iv. A valid prescription shall serve as the compounding record;

v. The prescription label shall comply with all related USP chapter requirements as well as the labeling requirements as set forth in Article XIV of these regulations. ~~and also include:~~

~~1. Name of Preparation;~~

~~2. Strength and concentration of each component;~~

~~3. Beyond Use Date;~~

~~4. Special storage requirements, if applicable; and~~

~~5. Cautionary auxiliary labels, if applicable.~~

D. A pharmacy may compound drugs prior to receiving a valid prescription based on a history of receiving valid prescriptions that have been generated solely within an established pharmacist/patient/practitioner relationship, and provided that they maintain the prescriptions on file for all such products compounded at the pharmacy as required by the Mississippi Board of Pharmacy.

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2. Patient address;

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A. A pharmacy may prepare a copy of a commercial product when that commercial product is not available as evidenced by either of the following:

i. Products that appear as unresolved status on the FDA drug shortage list in effect under section 506E of the FD&C Act ~~a website maintained by the federal Food and Drug Administration (FDA) and/or the American Society of Health Systems Pharmacists (ASHP)~~; or

ii. Products ~~temporarily unavailable~~ discontinued and no longer marketed by ~~from~~ the manufacturer~~, as documented by invoice or other communication from the distributor or manufacturer~~.

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A. All compounding for non-human medications must follow USP 795/797/800 compounding standards.

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viii. Name or initials of the pharmacist responsible for final check of the preparation.

Title 30: Professions and Occupations

Part 3002: Mississippi Board of Pharmacy Administrative Rules

~~**Part 3002 Chapter 1: Organization and Operation of the Board**~~

~~*Rule 1.1 Composition of the Board.*~~

~~The State Board of Pharmacy shall consist of seven (7) appointed members. At least one (1) appointment shall be made from each of the five (5) congressional districts as they existed on July 1, 2001. Each appointed member of the Board shall be appointed by the Governor, with the advice and consent of the Senate, from a list of five (5) names submitted by the Mississippi Pharmacists Association with input from the Magnolia Pharmaceutical Society, the Mississippi Independent Pharmacies Association (MIPA). Mississippi Society of Health-System Pharmacists (MSHP) and Mississippi College of Clinical Pharmacy (MCCP) and other pharmacist associations or societies. Of the members appointed, one (1) shall, at the time of appointment, have had five (5) years' experience as a pharmacist at a facility holding an institutional permit, and one (1) shall, at the time of appointment, have had five (5) years' experience as a pharmacist at a facility holding a retail permit. Any person appointed to the Board shall be limited to two (2) full terms of office during any fifteen-year period. Members of the Board shall be appointed for terms of five (5) years from the expiration date of the previous terms. Any vacancy on the Board prior to the expiration of a term for any reason, including resignation, removal, disqualification, death or disability, shall be filled by appointment of the Governor for the balance of the unexpired term. The Mississippi Pharmacists Association with input from the Magnolia Pharmaceutical Society, the Mississippi Independent Pharmacies Association (MIPA). Mississippi Society of Health-System Pharmacists (MSHP) and Mississippi College of Clinical Pharmacy (MCCP) and other pharmacist associations or societies, shall submit a list of nominees no more than thirty (30) days after a vacancy occurs, and the Governor shall fill such vacancies within ninety (90) days after each such vacancy occurs. If an election is required to narrow the number of potential candidates for nominations to the Board, the Mississippi Pharmacists Association shall provide a ballot to each pharmacist holding a valid Mississippi license.~~

~~Source: *Miss. Code Ann.* § 73-21-75.~~

~~*Rule 1.2 Qualifications of Board Members.*~~

~~To be qualified to be a member of the Board, a person shall:~~

- ~~A. Be an adult citizen of Mississippi for a period of at least five (5) years preceding his appointment to the Board;~~
- ~~B. Be a pharmacist licensed and in good standing to practice pharmacy in the State of Mississippi; and~~
- ~~C. Have actively engaged in the practice of pharmacy in Mississippi for a period of at least five (5) years.~~

~~The Governor may remove any or all members of the Board on proof of unprofessional conduct, continued absence from the state, or for failure to perform the duties of his office. Any member who shall not attend two (2) consecutive meetings of the Board for any reason other than illness of such member shall be subject to removal by the Governor. The president of the Board shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings. No removal shall be made without first giving the accused an opportunity to be heard in refutation of the charges made against him, and he shall be entitled to receive a copy of the charges at the time of filing.~~

Source: *Miss. Code Ann.* § 73-21-75.

Rule 1.3 Oath, Meetings and Compensation of Board Members.

A. Each person appointed as a member of the Board shall qualify by taking the oath prescribed by the Constitution for the state officers, and shall file certificate thereof in the office of the Secretary of State within fifteen (15) days after his appointment.

B. There shall be a president of the Board and such other officers as deemed necessary by the Board elected by and from its membership.

C. The Board shall meet at least once each quarter to transact business, and may meet at such additional times as it may deem necessary. Such additional meetings may be called by the president of the Board or a majority of the members of the Board.

D. The place for each meeting shall be determined prior to giving notice of such meeting and shall not be changed after such notice is given without adequate subsequent notice.

E. A majority of the members of the Board shall constitute a quorum for the conduct of the meeting and all actions of the Board shall be by a majority of the members present.

F. Each member of the Board shall receive a per diem as provided in Mississippi Code Section 25-3-69, not to exceed thirty (30) days in any one (1) period of twelve (12) months, for each day actually engaged in meetings of the Board, together with necessary traveling and other expenses as provided in Mississippi Code Section 25-3-41.

Source: *Miss. Code Ann.* § 73-21-77.

Rule 1.4 Executive Director and Additional Employees.

A. The Board shall employ an executive director of the Board. The executive director shall be a citizen of Mississippi and a pharmacist licensed and in good standing to practice pharmacy in the State of Mississippi, who has had five (5) years' experience as a pharmacist.

B. The executive director shall receive a salary to be set by the Board, subject to the approval of the State Personnel Board, and shall be entitled to necessary expenses incurred in the performance of his official duties. He shall devote full time to the duties of his office and shall not be engaged in any other business that will interfere with the duties of his office.

C. The duties and responsibilities of the executive director shall be defined by rules and regulations prescribed by the Board.

D. The Board may, in its discretion, employ persons in addition to the executive director in such other positions or capacities as it deems necessary to the proper conduct of Board business. Any pharmacist-investigator employed by the Board may have other part-time employment, provided that he shall not accept any employment that would cause a conflict of interest in his pharmacist-investigator duties. The Board may employ legal counsel to assist in the conduct of its business.

Source: *Miss. Code Ann.* § 73-21-79.

Rule 1.5 General Powers and Duties of the Board.

The responsibility for the enforcement of the provisions of the Mississippi Pharmacy Practice Act shall be vested in the Board. The Board shall have all of the duties, powers and authority specifically granted by and necessary to the enforcement of the Mississippi Pharmacy Practice Act.